

**Notice of Allowability**

Application No.

10/010,990

Examiner

Jeffrey R. Swearingen

Applicant(s)

KAMATH ET AL.

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Remarks and amendments of 11/13/2006.
2. ☒ The allowed claim(s) is/are 1,3-7,9,10,12-16,18,25-27,29,30,32-35 and 37.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 1/26/07
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
JASON CARDONE  
SUPERVISORY PATENT EXAMINER

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ken Vu on January 31, 2007.

The application has been amended as follows:

Claims 1, 3-7, 9-10, 12-16, 18, 25-27 and 29 are not amended in this examiner amendment.

Claim 30: A ~~computer program product~~ computer-readable medium comprising:

~~computer-readable medium comprising:~~

a first code segment for causing a computer to increment a flow indication counter indicating an updated number of data packets transmitted from a buffer in a base transceiver station;

a second code segment for causing the computer to determine a window size of said buffer available to store data packets when said updated number of data packets transmitted from said buffer is equal to or greater than a threshold number;

a third code segment for causing the computer to generate a flow indication message, said flow indication message comprising said window size;

a fourth code segment for causing the computer to transmit said flow indication message to base station controller;

a fifth code segment for causing the computer to keep track of an elapsed time since the transmission of a last message; and

a sixth code segment for causing the computer to generate the flow indication message when the elapsed time is equal to or greater than a threshold time interval,

wherein the buffer size is used by the base station controller to determine the amount of data to transmit to the base transceiver station, and

wherein the fifth code segment for causing the computer to keep track of the elapsed time ensures that the sixth code segment for causing the computer to generate the flow indication message causes the computer to generate the flow indication message at the threshold time interval independently of the number of packets transmitted from the buffer.

Claim 32: The computer-readable medium ~~program-product~~ of claim 30 wherein said threshold number is fifty.

Claim 33: The computer-readable medium ~~program-product~~ of claim 30 wherein said computer-readable medium further comprises:

a seventh code segment for causing the computer to determine a packet ID of a data packet received by said buffer before said generating step.

Claim 34: The computer-readable medium ~~program-product~~ of claim 33 wherein said packet ID is a last packet ID.

Claim 35: The computer-readable medium ~~program-product~~ of claim 33 wherein said flow indication message further comprises said packet ID.

Claim 37: The computer-readable medium ~~program-product~~ of claim 30, wherein said threshold time interval is 0.5 seconds.

2. The following is an examiner's statement of reasons for allowance: Applicant's remarks and amendments of 11/13/2006 overcome the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jason Cardone  
Supervisory Patent Examiner  
Art Unit 2145